

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA) 2004 SEP 30 P 3:24
v.)
JON MINOTTI,) U.S. DISTRICT COURT NO. 04-10195-RWZ
Defendant.) DISTRICT OF MASS.

GOVERNMENT'S THIRD ASSENTED-TO MOTION FOR CONTINUANCE
PURSUANT TO 18 U.S.C. § 3161(h) (8) (A)

The United States of America, by and through the undersigned counsel, respectfully requests a continuance of the period within which to return an indictment or information in this matter to November 1, 2004, pursuant to 18 U.S.C. § 3161(h) (8) (A).

Defendant Jon Minotti, through counsel, assents to this motion. As grounds for this motion, the government states as follows:

1. On May 20, 2004, defendant Jon Minotti and three others (David Jordan, Anthony Bucci, and Francis Muolo) were arrested pursuant to a criminal complaint (M.J. No. 04-221-JLA) charging them with conspiracy to possess cocaine with intent to distribute, in violation of Title 21, United States Code, Section 846.

2. On May 21, 2004, the defendant had an initial appearance pursuant to Fed. R. Crim. P. 5 before United States Magistrate Judge Joyce London Alexander. The government moved for detention of all defendants pursuant to 18 U.S.C. § 3142. A detention hearing for defendant Minotti was scheduled for May 24, 2004.

3. On May 24, 2004, the Court released the defendant on bond.

4. On July 6, 2004, a grand jury returned an indictment against Bucci, Jordan, and Muolo.

5. On July 9, 2004, United States District Judge Rya W. Zobel signed an order extending the date for the return of an indictment of Minotti to August 27, 2004. On August 30, 2004, United States District Judge Rya W. Zobel signed an order extending the date for the return of an indictment of Minotti to October 1, 2004.

6. The government and counsel for defendant Minotti have been negotiating a pre-indictment disposition of this matter, but have not completed those negotiations. Undersigned counsel was assigned this case approximately one week ago, and has recently reinitiated plea discussions. The parties believe that they will be able to reach an agreement, but believe that they will require an additional period of time to complete their discussions. Accordingly, the parties jointly request that the Court continue the date for the return of any indictment to November 1, 2004.

7. Michael Schneider, Esq., counsel for the defendant, has advised counsel for the government that he assents to this request for a continuance on behalf of his client. It is the position of the parties that the ends of justice will be best served by this continuance in that it will allow the parties

additional time to attempt to arrange a pre-indictment disposition of this matter, thereby conserving judicial, grand jury, and governmental resources. It is the position of the parties that the interests of justice served by the requested continuance outweigh the interests of the defendant and the public in a speedy indictment.

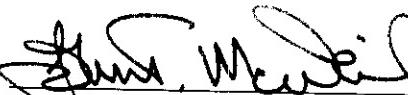
WHEREFORE, for the foregoing reasons, the undersigned respectfully requests that the Court grant a continuance of the period within which to return an indictment in this matter to November 1, 2004, in the interests of justice and enter an appropriate order of excludable delay.

A proposed Order is attached to this motion.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By:



JOHN T. MCNEIL
Assistant U.S. Attorney
(617) 748-3242

Dated: September 30, 2004

CERTIFICATE OF SERVICE

Suffolk, ss.

Boston, Massachusetts
September 30, 2004

I, John T. McNeil, Assistant U.S. Attorney, do hereby certify that I have served the copy of the foregoing by U.S. mail, postage prepaid to the following:

Michael Schneider, Esq.
95 Commercial Wharf
Boston, MA 02110-3816
(Counsel for Defendant Minotti)


John T. McNeil
Assistant U.S. Attorney

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
)
) M.B.D. No. 04-10195-RWZ
v.)
)
JON MINOTTI,)
)
)
Defendant.)

ORDER

Application having been made by the United States of America, together with Defendant Jon Minotti, for a continuance of the time within which an indictment must be returned in the matter charged as M.J. No. 04-221-JLA to November 1, 2004, and for an order of excludable delay pursuant to Title 18, United States Code, Section 3161(h)(8)(A), in order to allow the parties time to reach a mutually agreeable disposition of this matter; and

The above-referenced defendant and the government having agreed that the ends of justice served by granting said motion outweigh the interests of the defendant and the public in a speedy indictment of this case; and

The defendant and the government having further agreed that the Court should exclude the time from October 1, 2004 through November 1, 2004, from the requirements of the Speedy Trial Act, Title 18, United States Code, Section 3161, et seq.; and

This Court having found, for the reasons set forth above, that the interests of justice will be served by granting the

above-referenced motion for a continuance of the government's time within which to seek an indictment in this case and excluding the requested period of continuance from all Speedy Trial Act calculations outweigh the interests of the defendant and the public in a speedy indictment;

It is hereby ORDERED, that the time within which the government must return an indictment is extended until November 1, 2004; and

It is further ORDERED that, pursuant to Title 18, United States Code, Section 3161(h)(8)(A), that the period from October 1, 2004, through November 1, 2004, constitutes excludable delay under the Speedy Trial Act because such delay is in the interests of justice.

UNITED STATES DISTRICT JUDGE

DATED: _____